City Council Atlanta, Georgia

11- Ø-0096

U-66-68-B

AN ORDINANCE BY: ZONING COMMITTEE

AN ORDINANCE GRANTING A TRANSFER OF A SPECIAL USE PERMIT FOR A RADIO TRANSMITTING FACILITY ADOPTED BY THE BOARD OF ALDERMAN ON DECEMBER 19, 1966. PROPERTY (AKA 2340 LENOX ROAD) LOCATED AT THE REAR OF PROPERTY FRONTING 182 FEET ON THE SOUTH SIDE OF CHESHIRE BRIDGE ROAD BEGINNING 650 FEET EAST OF THE SOUTHEAST CORNER OF CHESHIRE BRIDGE ROAD AND THE SEABOARD AIRLINE RAILROAD. DEPTH: 650 FEET. LAND LOT 4, 17TH DISTRICT, FULTON COUNTY, GEORGIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the transfer (i.e. change of grantee) of Special Use Permit U-66-68B, granting a Special Use Permit for a Radio Transmitting Facility, property (aka 2340 Lenox Road) located at the rear of property fronting 182 feet on the south side of Cheshire Bridge Road beginning 650 feet east of the southeast corner of Cheshire Bridge Road and the Seaboard Airline Railroad from Asa T. Bearse for MSB Properties, Inc. to JW Broadcasting, Inc. is hereby approved, under the provision of Section 16-25.002 (2), to wit:

SECTION 2. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CERTIFIED President Board of Aldermen DEC 19 1968

An application has been made to obtain a Special Use Permit for a Radio Transmitting Facility on property to the rear of property fronting 182 feet on the south side of Cheshire Bridge Road, beginning 650 feet east of the southeast corner of Cheshire Bridge and the Seaboard Airline Railrad. Depth 650 feet. Land Lot 4, 17th Dist.

148-114

BY ZONING COMMITTEE

*U-66-68-B

Asa T. Bearse, Sr., et al, Owners. Charles Smithgall, Applicant.

Filed 11-14-66 WARD 6

Initiated by Atlanta - Fulton County Joint Planning Board

Atlanta-Fulton County Joint Planning Zoning Committee 5 1968 19 REFERRED TO 3<u>3</u>6 Board &

M. Didecty Le THM. F

BOARD OF ALDERMEN DEC 1 9 1960

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#U-66-68-B
FILE NO.

BY: PLANNING AND ZONING COMMITTEE

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Atlanta as follows:

Under the provisions of Article XXI, Section 1, Peragraph	15
Section 3 and Section 4, of the Zoning Ordinance of the City of	
a Special Use Permit for: Radio Transmitting Facility	
to be located at:Cheshire Bridge Rogd	
is granted to:Charles Smithgall	
under the following conditions:	····

1. Provision of adequate access from a public street.

APPLICATION FOR SPECIAL USE PERMIT

THIS APPLICATION MUST BE TYPEWRITTEN

Mayor and Board of Aldermen City of Atlanta Atlanta, Georgia

Notary Public, Fulton County, Georgia My Commission Expires Feb. 11, 1967

Atlanta, Georgia	
C. Geatlemen:	
Under the provisions of Article XXI, Section 1, Item, of the Amended Zoning	W
City of Allanta, adopted by the Mayor and Board of Aldermen on July 7, 1960, this application and to obtain Special Use Permit for: (Please be specific)	Ordinance of the
a Radio Transmitting Facility	
on the property as below indicated.	
1. DESCRIPTION OF PROPERTY INVOLVED:	
ADDRESS Legal Description Attached.	
to the rear of property Property Mondag182' feet on the south	side of
Cheshire Bridge Road beginning 650' feet	
southeast cheshire Bridge Road & / Depth of lot 650'.	east oad,
LEGAL DESCRIPTION OF PROPERTY (Use separate sheets of paper if necessary):	
ALL THAT TRACT or parcel of land lying and being in Land Lor 4 of the 17th	h District
of Fulton County, Georgia.	
2. STATEMENT OF NECESSITY (Use separate sheets of paper):	
Statement explaining reasons why proposed use should be permitted in this district:	
 APPLICANT AND OWNERSHIP INFORMATION (If more than one owner, applicants, or ladditional sheets of paper): 	ooth, use
Asa T. Bearse, Sr Crescent, Georgia (a) OwnerMartha B. McCleskey Address 4453 Kingsborg	PA N E
Charles Smithgall Atlanta, Georgi	al Bank Bldg
	eorgia
Note: If (a) and (b) are not the same, Form 30-8 must be completed.	
4. OTHER INFORMATION TO BE SUBMITTED WITH APPLICATION:	
Three (3) copies of detailed drawings of land parcel and structures under review showing	(where applicable)
by ordinance and number of spaces provided) seating capacity of spaces provided	of spaces required
or and any other information and any other information and	to determine the
validity of this request.	
AFFIDAVIT: QUALITY W65	llallas
Personally appeared before me Signature options for Charles of the Signature options of the Sign	r Agent
Allan R. MacMillan for Charles Smit	ngarr,Lessee
who on oath deposes and says that the above is true to the best	
of his or her knowledge and belief.	
export (4/ord	
Signature of Notary Public)	
Date 1 COC. 1 1 1 1 1 6 V	

FORM 30-7

AFFIDAVIT "A"

THIS APPLICATION MUST BE TYPEWRITTEN

I, (We) the undersigned, certify that I (we) am (an	e) the owner(s) of the property described above, as
shown by the records of Fulton County,	and authorize Allan R. MacMillan
as agent to act in the pursuit of the () re-zoning () variance or ruling (X) special use permit of this
property.	
AFFIDAVIT:	SIGNATURES OF OWNER OR OWNERS:
Personally appeared before me Asa T. Bearse, Sr. <u>Martha B. McCleske</u> y	Mr. Murtin B. Mr. C. Caspey
who on oath deposes and says	10
that the above is true to the best of his or her knowledge	
and belief.	
Signature of Notary Public Date Mov. 11, 1966	
AFFIDAYIT	"в"
I certify that as an Attorney at Law, I have been	authorized by the owner to act in the pursuit of the
() re-zoning () variance or ruling () special use	permit of the property described in this application.
	Signature of Attorney at Law

All that tract or parcel of land lying and being in Land Lot 4 of the Seventeenth District of Fulton County Georgia, being 10.40 Acres, According to plat by Virgil F. Gaddy & Associates, dated November 11, 1966, and being more particular described as follows.

Beginning at a point on the Southerly side of the Seaboard Air Line Railroad Right of Way, 277.1' Northwesterly from the Western side of Lenox Road'. Thence South 1°-15' East, 659.24' to an iron pin. Thence South 89°-37' West, 707.7' to an iron pin. Thence North 1°-09' West, 425' more or less to the centerline of Peachtree Creek. Thence in an Easterly and Northerly Direction along the centerline of Peachtree Creek 545' more or less to the Right of Way of the Seaboard Air Line Railroad. Thence South 80°-08'-30" East along the Southerly Right of Way of the Seaboard Air Line Railroad 385' more or less to the point of beginning.

which is a designation indicating no interference with airports and aircraft flight patterns.

CERTIFICATE OF NECESSITY FOR CHARLES SMITHGALL PETITION FOR USE PERMIT FOR STATION W.A.T.Y., NORTH ATLANTA BROADCASTING COMPANY

- l. Petitioner desires to build a quality radio station in Atlanta and presently operates such stations in Gainesville and Rome, Georgia, and Gadsden, Alabama.
- 2. The reason for choosing the location for which this petition has been filed is that it is mostly low floodstage land which would not be suitable for residential, commercial or apartment use but which is ideal for a radio station.
- 3. There are now two radio stations in the immediate vicinity, namely, WQXI and WGST.
- 4. That this location is not near to nor will it disturb any residential or other commercial uses.
- 5. There is practically no traffic in said station and it is a perfectly safe and attractive use for the property.
- 6. It is necessary to put a dominant signal required by the Federal Communication Commission over the designated areas of Brookhaven, Sandy Springs, Chamblee and Doraville, and this site is within the boundaries which would comply.
- 7. It is also necessary to satisfy the requirements of the F.A.A. which this site does. This site is particularly suited because with the other two towers, it constitutes a "Tower Farm," which is a designation indicating no interference with airports and aircraft flight patterns.

Legal Description

All that tract or parcel of land lying and being in Land Lot 4 of the Seventeenth District of Fulton County Georgia, being 10.40 Acres, According to plat by Virgil F. Gaddy & Associates, dated November 11, 1966, and being more particular described as follows.

Beginning at a point on the Southerly side of the Seaboard Air Line Railroad Right of Way, 277.1' Northwesterly from the Western side of Lenox Road. Thence South 1'-15' East, 659.24' to an iron pin. Thence South 89°-37' West, 707.7', to an iron pin. Thence North 1°-09' West, 425' more or less to the centerline of Feachtree Creek. Thence in an Easterly and Northerly Direction along the centerline of Feachtree Creek 545' more or less to the Right of Way of The Seaboard Air Line Railroad. Thence South 80°-08 - 30" East along the Southerly Right of Way of the Seaboard Air Line Railroad 385' more or less to the point of beginning.

Also, the right of ingress and egress to above described property being a proposed future street according to a plat of Unit 1 - Lenox Hills recorded in Flat Book 35 Page 36 and being more particular described as follows. Beginning at a point on the Southwesterly side of Lenox Road 372.5' Southerly and Southeasterly from the South Right of Way Line of the Seaboard Air Lines Railroad which point is the corner of Lot 4 Block G. Thence S 37 57' W 333.1' along the line of Lot 4 to a point, thence N 89 37 E 63.7' to Southwest corner of Lot 1-Block F. Thence N 37 57' E 286.7', along the line of Lot 1, to the Southerly side of Lenox Road. Thence N 44 12' W 50.37' to the point of beginning.

Also, the right of ingress and egress to the above described property over the following property of lessor:

Beginning at an iron pin at the Southwest corner of lot 1 Block F of Lenox hills according to a plat recorded in plat book 35 Fage 36. Thence S 37°57' N 63.7' to a point, thence S 89°37'N 164.54' to a point, thence N 53°09' N 82.59' to a point on the South line of property of lessee. Thence N 89°37' E 269.8' along the North line of McCleskey property to the point of beginning, being 0.2491 acres.

thence along the City Limit line as gesignated by Act of Legislature of the year 1951, South, 719,6 feet more or less to a point;

thence along the property of Asa T. Bearse, Sr., et. al., West, 726 feet more or less to a point;

thence along the WGST Radio Tower Site property, North, 378 feet more or less to the center of Peachtree Creek;

thence with the meanderings of said Peachtree Creek in a Northeasterly direction 530 feet more or less to the point of beginning.

ALSO, the right of ingress and egress to the above described property over the following property of lessor:

All that tract or parcel of land lying and being in the City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point lying + 538 - 00W 333.1 feet more or less from the right-of-way of Eenox Road, said point lying on the Northwest right-of-way of an unopened dedicated city street (having a 50 foot right-of-way), said point also being at the end of aforesaid unopened city street and bordering on property of McCleskey:

thence along property of McCleskey + East 63 feet more or less to a point on the Southeast right-of-way of unopened city street, said point lying + 538 - 00W 286. 7 feet more or less from the right-of-way of Lenox Road;

thence + S38 - 00W 64 feet more or less to a point;

thence running parallel with and 50 feet from the property line on the North side of the McCleskey tract, + West 200 feet more or less to a point;

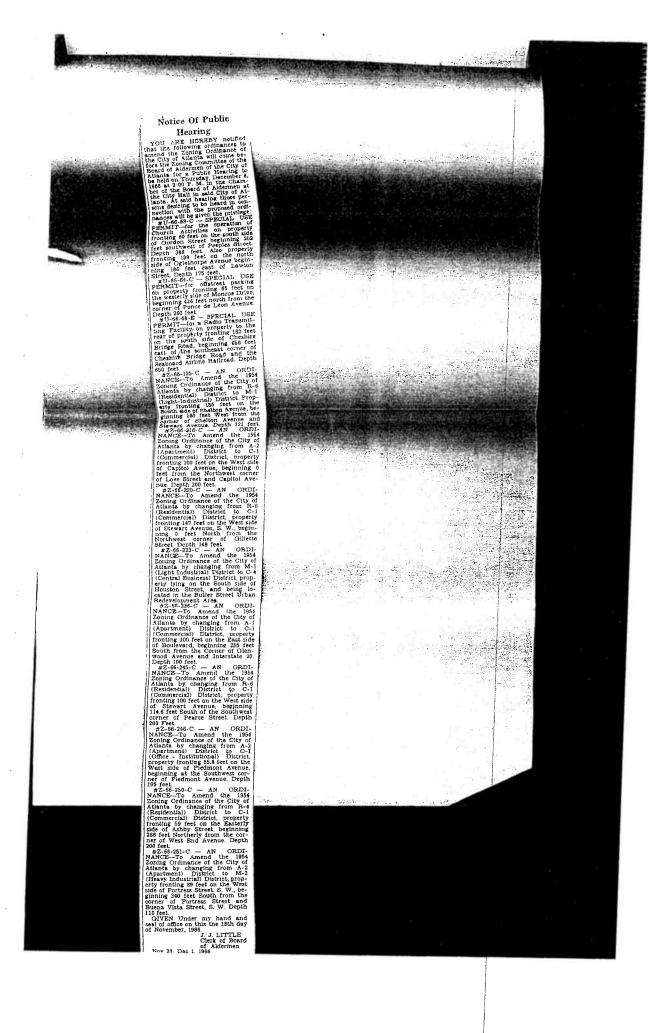
thence ± N45W 60 feet more or less to a point on the aforesaid North property line, said point lying on the South line of other lands of McCleskey being leased to Charles Smithgall;

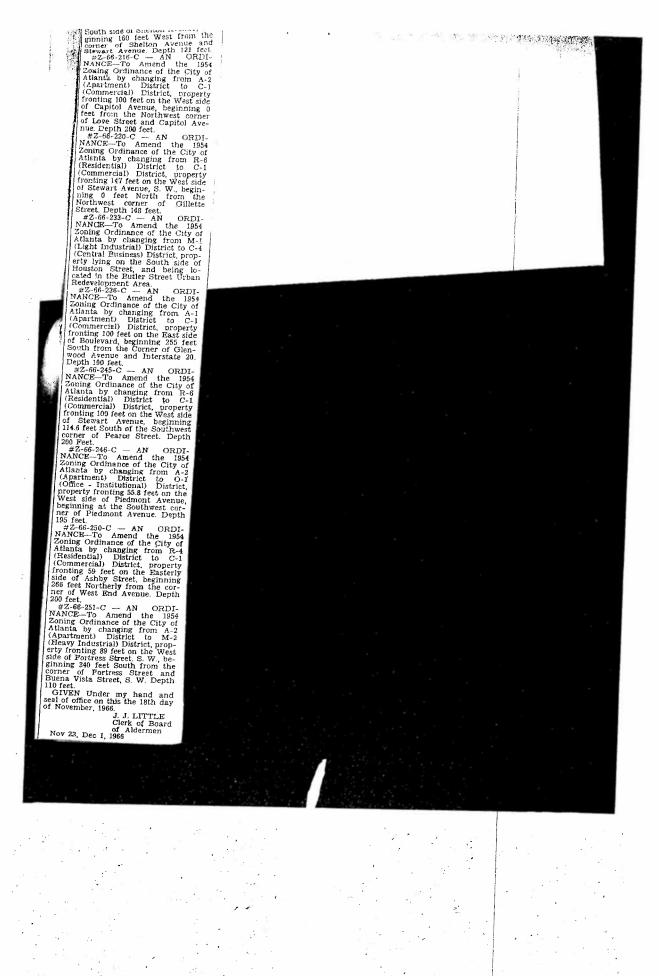
thence along line dividing McCleskey tracts + East 65 feet more or less to the Southeast corner of aforesaid tract being leased to Charles Smithgall;

thence along McCleskey tract \pm East 141, 1 feet more or less to the point of Beginning.

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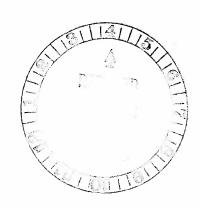






CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT 55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308 404-330-6145 – FAX: 404-658-7491 www.atlantaga.gov



APPLICATION TO TRANSFER SPECIAL PERMIT

The undersigned does hereby make application to trans	TR-09-02
Special Use Permit Special Exception Perm	
To be completed by the new owner/operator of Specinavid Minkin as attorney-in-Applicant: fact for JW Broadcasting, Inc Email Address: dminkin@sgrlaw.com	ial Permit: • Phone Number: 404-815-3605 Fax Number: 404-685-6905
Address: 1230 Peachtree Street, NE, Suite 3100	
City: Atlanta State: G New Business/Owner Name: JW Broadcasting, Inc.	A Zip: 30309
To be completed by the current holder of Special Peri	mit:
Name: Asa T. Bearse for MSB Properties, Inc.	Phone Number: 770-451-1414
Email Address: asabearse@hotmail.com	Fax Number: 770-458-0141
Address: 2709 Eaton Place	
City: Chamblee State: GA	Zip: <u>30341</u>
Instruction: Special Permit Transfer applications are proceed take up to 45 (forty-five) business days for revious Provide a copy of the original ordinance/approval Complete Transfer Application Form. Complete Applicant Affidavit (see page 2). Complete previous owner affidavit or submit a let the transfer of Special Use Permit to the new appl Submit completed application with notarized sign	essed on an "as requested" basis and may ew by Staff and/or legislative process. for special permit. ter from previous/current owner authorizing icant (see page 3)

Application fee of \$200 due at the time of application submittal.

APPLICANT AFFIDAVIT

I swear and affirm that I am the owner/lessee of Parcel No. 17000	4LL055
(indicate address of subject property) which is the subject of the request fo	
permit for U-66-68-B (permit number). I affirm that I am thoroughly	
abide by the terms/conditions of the original permit.	,
•	
Name of applicant David Minkin, Esq.	
Address Smith, Gambrell & Russell, LLP, 1230 Peachtree Street, NE, Atlanta,	GA 30309
Atlanta, GA 30309	
City State	Zip Code
Telephone number 404-815-3605	•
NOTARIAL STATEMENT),
PERSONALLY APPEARED BEFORE ME PERSON(S) OF	,
ILL ABOVE NAME(S), WHO SWEAR THAT THE	
INFORMATION CONTAINED IN THIS AFFIDAVIT IS TRUE AND CORRECT TO THEIR BEST KNOWLEDGE	
AND BELIEF.	
Volery Mines	
II Is a Light ALL Comments of the Comments of	
Date Exercise 2	,
$\mathfrak{Q} \stackrel{GEO_{RES}}{\stackrel{SEPT}{sept}} \mathfrak{S}$	
My Commission Expires:	•
9 (22/13	

E0-01-27

OWNER STATEMENT

I swear and affirm that I am/was the owner of the property subject to the proposed special permit transfer. I hereby grant the transfer of special permit located at

Telephone Number

Parcel No. 17-0004-LL055 (Property Address) to JW Broadcasting, Inc.

MSB Properties, Inc.

Name

2709 Eaton Place

Address

Chamblee GA 30341

City State Zip Code

tR-10-02

AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the City of Atlanta to inspect the premises, which are the subject of this special permit transfer application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

Owner or Agent of Owner (Applicant)

NOTARIAL STATEMENT

PERSONALLY APPEARED BEFORE ME PERSON(S) OF THE ABOVE NAME(S), WHO SWEAR THAT THE INFORMATION CONTAINED IN THIS AFFIDAVIT IS TRUE AND CORRECT TO THEIR BEST KNOWLEDGE AND BELIEF.

Notaby

11-23-10

Date

JOSHUA P PHAM
Notary Public
Dekalb County
State of Georgia
My Commission Expires Jul 20, 2014

City of Atlanta Bureau of Planning

55 Trinity Avenue, Suite 3350 Atlanta, Georgia 30303

DATE: December 1, 2010 INVOICE #: TR-10-002

FUND #: 1001 DEPT #: 000002

ACCOUNT #: 3413902

Bill to:

David Minkin for JW Broadcasting 2340 Lenox Road Atlanta, GA

DESCRIPTION	AMOUNT
Application fee for Special Use Permit	\$400.00
9200 for SU, transfer per application som	\$300-00
TOTAL	\$400.00
	200-10

Approved by JLL

Please make checks payable to "City of Atlanta." No refunds will be issued.

		First Reading	
(Do Not Write Above This Line)	Date Chair		FINAL COUNCIL ACTION 1 2nd 1 st & 2nd 3rd
AN ORDINANCE	Committee	Committee	Readings □ Consent □ V Vote □ RC Vote
BY ZONING COMMITTEE U-66-68-B	Date	Date	CERTIEIEN
AN ORDINANCE GRANTING A TRANSFE	Chair	Chair	000000000000000000000000000000000000000
OF A SPECIAL USE PERMIT FOR A RADI TRANSMITTING FACILITY ADOPTED B THE BOARD OF ALDERMAN OF	Action Fav, Adv, Hold (see rev. side)	Action Fav, Adv, Hold (see rev. side) Other	
2340 LENOX ROAD) LOCATED AT TH REAR OF PROPERTY FRONTING 182 FEE	Members	Members	
ON THE SOUTH SIDE OF CHESHIR BRIDGE ROAD BEGINNING 650 FEE EAST OF THE SOUTHEAST CORNER OF THE SOUTHEA			
FULTON COUNTY, GEORGIA.	Refer To	Refer To	
	Committee	Committee	
	Date	Date	
	Chair	Chair	
O ADVERTISE & REFER O 1st ADOPT 2nd READ & REFER	Action Fav. Adv. Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other	MAYOR'S ACTION
D PERSONAL PAPER REFER	Members .	Members	
Date Referred .			
Referred To:			
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